

1854-01

Dunkinhampton County

Tyler, Martha B.

vs. Gresham, John W. et al

(Sale of the
Heritage)
Real Estate

James H. Gresham

John M. Gresham

Wm. B. Gresham

John Tyler, Jr.

James Tyler

Lillian Tyler

Martha Tyler

Infants

Tyler by HP

v. } Papers

Rockville HP

1869 November Term

Tyler by 80

3 Bile

Rockville 80

Martha Tyler by 100

as 3 Bile & exhibit

James H. Rockville & al

1852 Sept. Rockville

To The Honorable Richard H. Baker judge of the circuit
court of Southampton in chancery sitting

Humbly complaining your complainant
Martha B. Tyler who was by Samuel B. Bines her next friend
by way of amendment to her original bill sheweth unto
your Honor, That in the year 1845 James Rochelle father
of your oratrix died having made his will and leaving
his wife Martha Rochelle and your oratrix and John W.
and James B. Rochelle his children his heirs and devisees
that by the said will after the payment of his debts he
left to his wife Martha Rochelle all his estate of every
kind whatsoever during her life or widowhood for the
maintenance of herself and children all of which will
more fully appear by a certified copy of the said will
herewith filed marked A in the original bill that the
said Martha Rochelle qualified as executrix took possession
of the estate and sold it under the will, that on the
19th of August 1845 John Tyler Jr. husband of your oratrix
executed a deed of Trust to John W. Rochelle conveying
whatsoever interest he might have in reversion or remainder
in the said ^{estate} to be held in trust for the benefit of your
oratrix' children James Titelia and Martha Tyler, she
states she was a free woman at the time and the laws
which had been taken possession of by her husband and
could not be for her mother was living and she is
informed that the said deed does not affect her rights
that soon after this her husband abandoned her with
three small children to provide for in the best manner
she could and has never seen or assisted him since
she further states that her brother John W. Rochelle
has sold all his interest in the estate to one John
etc. fully as will appear by the deed filed with
the original bill

By a decree of this court rendered at the Room in Term 1837 a copy of which is filed with the original bill William B Shanas was appointed Trustee in place of Martha Rochelle of the property then remaining for the benefit of your oratrix and her brother John and James Rochelle and her mother's interest extinguished in the property

Your oratrix further sheweth unto your Honor that by virtue of the said decree William B Shanas took possession of all that remained of the estate of James Rochelle dec'd and now holds it as Trustee. That the estate in the hands of the said Trustee consists of the home tract of land lying in and near the town of Jerusalem supposed to contain eight hundred acres This includes the mansion house and lot in Jerusalem a small tract containing about fifteen acres on Flag run a tract estimated at seven hundred and thirty acres lying on the south of Nottoway river called the Hermitage, a small stock of cattle one mule household and kitchen furniture slaves Charles Cott Nancy and one child, Old Robin Charles and Tom all their old and of no value and boy Dick an idiot and worthless your oratrix considers the home tract double the value of all the residue of the estate

She further sheweth unto your Honor that the tract of land lying on the Nottoway ^{called the Hermitage} and entirely disconnected with the other lands and now in the possession of the Trustee Wm B Shanas for its present condition is almost wholly valueless to the estate it bringing scarcely any rent. That the lands from want of care and cultivation are becoming poorer every year that the houses are going to decay the fences falling down. That there is no force to cultivate it the mowers belonging to the estate not

being sufficient to cultivate the home tract and from these causes the value of the farm is depreciating every year. from these causes your oratrix is sure it would be to the interest of the estate and of all parties concerned to sell the said farm as it will now command a good price in market better she is advised than it will bring some years hence. she has advised with her brother James Rochelle and John W Jenkins the only other parties interested (unless your Honor should consider her children as under her husband John's life dec'd) and they agree with her in the necessity and propriety of selling the said land

In tender consideration whereof and as your oratrix is unable at law and only entitled to relief in a court of equity where such matters are cognizable she therefore humbly prays that your Honor would make Wm B Shanas Martha Rochelle and James Letitia and Martha Letitia infants of tender years by some fit and proper person their guardian ad litem. John W Jenkins and John W Rochelle James Rochelle and John Letitia both in their own rights and as heirs of the aforesaid infants parties defendant to this bill and answer them as full and perfect answer make to the allegations therein contained as if they had been themselves more fully and specially interrogated and that the court would decree a sale of the tract of land called the Hermitage upon such terms as to it may seem best and the proceeds of sale invested according to the act for such cases made and provided and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of her case may require and as in duty bound your oratrix will ever pray in

Shanas J. J.

Southampton County To wit

This day John B. Hines
next friend of Martha Tyler personally appeared before
me a justice of the peace for the county, swore said and
made oath that the allegations set forth in the
above bill are true to the best of his knowledge and
belief given under my hand and seal This 13th day of
November 1852

William Bowers J. P. *Esq.*

By *John B. Hines*
to *John B. Hines*

Recd. *W. B.*

1852. Jan. 25. *John B. Hines*
J. P.

To the Honorable Richard G. Baker judge of the Circuit
Court of Southampton County in chancery sitting

Humbly complaining your complainant Martha B. Tyler
who was by Saml B. Hines her said former husband and your
Honor. That in the year 1845 James Rochelee your complainant's
father departed this life having first duly made his last will
and Testament and leaving Martha Rochelee his wife and John
W. Rochelee James W. Rochelee and your complainant his heirs
and devisees. That by the said will after the payment of his
debts he bequeathed to his wife Martha Rochelee all his estate of
every kind whatever during her life or widowhood for the
maintenance of herself and children and appointing her his
executrix all of which will more fully appear by a certified
copy of the said will herewith filed marked A and prayed
to be taken as a part of this bill. That the said Martha
Rochelee qualified as executrix, took possession of the estate
and held it under the will. Your complainant further states
that on the 19th of August 1845 John Tyler Jr her husband
executed a deed of trust to John W. Rochelee as trustee
conveying all his interest in remainder in the estate of James
Rochelee to the said John W. Rochelee to be held by him whom
it should come into possession by the death of Martha Rochelee
for the use and benefit of your complainant's three infant
children James, Lillia and Martha Tyler in whole and
your complainant in ignorance of her rights joined all of
which will more fully appear by a certified copy of the said
deed herewith filed marked B and prayed to be taken as a
part of this bill. That soon after this her husband abandoned
her with three small children to provide for herself and
them in the best way she could and has never seen or
visited her since. That John W. Rochelee by a deed of
conveyance and sale dated the 17th of October 1849 sold
all his interest both in possession and remainder in

The estate of his father James Rochelle to one John M Gurley as will more fully appear by a certified copy of the said deed herewith filed marked C and prayed to be taken as a part of this bill. Your complainant further sheweth unto your Honor that in November 1849 she by her next friend filed a bill in chancery setting forth the fact that her father left his estate to Martha Rochelle after the payment of his debts during her lifetime for the support of herself and children and that the said Martha Rochelle had paid all the debts due from the estate and would duly restrained by an order of a court in chancery would waste and squander the whole estate by mismanagement and in the payment of her own individual debts and asking for an injunction. The injunction was awarded and at the November term 1851 of the circuit court of Southampton a decree was entered setting aside certain assignments made to G. B. Edwards John M Gurley and Wm B Shames and without determining the rights of your complainant and her children made the deed of John Tyler filia as above. Martha Rochelle was displaced as trustee of the estate of James Rochelle and William B Shames was appointed trustee in her place with directions to hold all the property remaining and belonging to the estate of James Rochelle and to apply the proceeds thereof to the support of your complainant John M and James B Rochelle and paying John Tyler from interfering with your complainant's interest in the estate but setting it aside for her separate maintenance and support all of which will more fully appear by a certified copy of the said decree herewith filed marked D and prayed to be taken as a part of this bill.

Your complainant further sheweth unto your Honor that by virtue of the said decree William B Shames the trustee has taken possession of the estate both real and

personal belonging to James Rochelle and applied it according to the direction of the said decree. Your complainant further sheweth that her interest in the estate is totally inadequate to her comfortable support that this is a tract of land called the Hermitage lying on the south side of the Malloway river belonging to the said estate now in the possession of Wm B Shames the trustee that in its present condition is wholly valueless. That it is bringing none or scarcely any rent that the fences have gone down and the houses are fast going to ruin and that the farm is depreciating in value every year from these causes. Your complainant is sure it would be to the interest of the estate and all the parties concerned to sell the said farm as it will now command a good price in market. Better she is assured than it will bring a few years hence. Your complainant has advised with her brother James B Rochelle and John M Gurley the only other parties now interested in the estate (unless your Honor should decide her children to be interested under her husband John Tyler jr's deed) and they agree with her in the advisability or necessity of selling the said tract of land.

Under consideration whereof and inasmuch as your complainant is without remedy at law and only entitled to relief in a court of equity where such an remedy is available she therefore humbly prays that your Honor would make John W Rochelle, Jas B Rochelle John M Gurley, Wm B Shames, John Tyler jr and James Tyler Gideon Tyler and Martha Tyler infants of tender years by some fit and proper person their guardian ad litem appointed for that purpose parties defendant to this bill and compel them as full and perfect answer make to the allegations therein contained as if they had been themselves sworn fully and especially interrogated

and that your Honor would deem a sale of the Tract
of land called the Hermitage upon such Terms as to
the court might seem best and that the court would
direct the share of your complainant to be applied to
his support in such manner as to it might seem best
and the residue of the purchase money to be divided
between James G. Rochelle and John M. Greeley or if
the court should not wish to divide the purchase money
during the lifetime of Martha Rochelle that the land
may be sold and the purchase money invested in some
good securities and applied according to the provisions
of the decree entered in November 1857 and that the
court would grant such other and general relief the
premises considered as equity may dictate and the
nature of the case requires and as in duty bound your
complainant will ever pray &c

Shanes J. J.

Rockwell vs
ats 3 answer
Tyler by vs

1852 Oct Ruley

Received by consent
Apr 13 1853

Answer of James Tyler Letitia Tyler and Martha
Tyler infants by James Kells Their ^{guardian ad litem} friend
to a bill in Chancery in the circuit court of
Southampton by Martha B Tyler by us so them and
others

~~This defendant~~ by James Kells Their ~~guardian~~
friend

This defendant for answer to the said
bill or as much thereof as he is advised it is
material for him to answer answering says
that he knows nothing of the allegations of the
plaintiffs bill and therefore places the interests
of his wards under the care of this court whose
peculiar province it is to guard and protect
the rights of infants and having fully answered
may to be hence discharged with his costs we

Answer of Samuel Kello
for and return to several
defendants

1853 Apr. Rules - 27th

Answer of James, Letitia and Martha Tylor infants by
Sam^l Kells their ~~only~~ ^{former} guardian ad litem to an
amended bill in chancery by Martha Tylor by me is Thiers
and others

This defendant for answer to the said bill
or as much thereof as he is advised it is material for him
to answer, answering says that he knows nothing of
the allegations of the plaintiffs and therefore places
the interests of his wards under the protection and
care of this court whose judicial duty it is to protect
the rights of infants and having fully answered prays
to be hence discharged with his costs

Sam^l Kells

Southampton County

Samuel Kells personally appeared
before me a justice of the peace for the county of said
and sworn oath that the facts set forth in the above
answer are true given under my hand and seal
This 27 day of April in the year 1853

William Bowers, Justice

Heirson of James
H. Boechell

1852 October 2nd

Received by consent
Wm B. Shames
for Plaintiff

The separate answer of James B. Rochelle to a bill in chancery exhibited against him and others by Martha B. Tyler who was by her next friend in the Circuit court of Southampton

To the Honorable Richd B. Baker judge of the Circuit court of Southampton in chancery sitting

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer answering says, that the facts set forth in the plaintiffs ^{bill} and he believes to be true, and he is anxious and desirous that the tract of land called the Cheminlage should be sold for the reasons set forth in the plaintiffs bill. This defendant would particularly call the attention of the court to the 3^d section of his father James Rochelle's will which says

"And whereas my son John and daughter Martha derived title to some slave by the death of their half brother which are now in my possession and has not been allotted to them, should they claim them independent of my estate it is thus my will and desire that so much more of my estate be allotted to my son James as will make his estate equal to theirs"

This defendant sets forth the fact that his brother John and sister Mrs. Tyler have served for and recovered the said slave belonging to their half brother and recovered from his father's estate something like two thousand dollars as he is informed. But he is willing that the said tract of land called the Cheminlage should be sold and the money divided into three equal parts one third to himself one third to John M. Gurley and the other third his sister Martha Tyler to be applied to her support reserving the right to himself to receive the two thousand dollars

which he is entitled to own and above the other
divisions of his father's estate when there shall be
a final division of the estate and having fully
answered Grace Jones to be disjoined with this estate

signed

James H. Rochelle
Attorney for defendant

Answer of John C. Gurney

Rec'd by consent
Wm D. Shanks
for plaintiff

To The Honorable Richard W Baker judge of The Circuit
court of Southampton in Chancery sitting

The Separate answer of John M Gurly to a bill
in chancery exhibited against him and others by Martha
B. Telfer who was by her next friend in the circuit
court of Southampton

This defendant for answer to the said bill or as
much thereof as he is advised it is material for him to
answer, answering says that he admits the facts
set forth in the plaintiffs bill. and thinks it would
be decidedly to the interest of all for the reasons set
forth in the bill that the Hermitage tract of land
should be sold and having fully answered prays
leave to be dismissed with his costs

John M Gurly

Shard J. A.

At Rules held in the Clerk's Office of the Circuit Court of Southampton County on the 6th day of September 1852.

Martina B Tyler who sues by her next friend Saml B Hines Deft.

against

John W Rochelle, Jas A Rochelle, John M Gurley, Wm B Shands
John Tyler Jr & James Tyler, Silina Tyler & Martha Tyler infants
by Samuel Wells their guardians ad litem Defts

In Chancery

The object of this suit is to obtain a decree for the sale of a tract of land called The Hermitage belonging to the estate of James Rochelle dec^d and the share of the plaintiff to be applied to her support and the residue of the purchase money to be divided between James A Rochelle and John M Gurley, or for the purchase money to be invested in some good securities &c. And it appearing by affidavit that the defendants John W Rochelle and John Tyler Jr. are not residents of this State, on the motion of the plaintiff it is ordered that they do appear within one month after due publication of this order and do what is necessary to protect their interest, and that a copy of this order be published once a week for four successive weeks in some newspaper published in the City of Petersburg and posted at the front door of the Courthouse of this County on the first day of the next County Court of the said County -

Attest

John B. Edwards

Tyler by & p
n { sp. chys

Rockelle & p

1852 Sept Ruling

Executed on Wm B Shumaker
August 18/1852. on James
B. Rockelle August 20/1852
Seth Tyler & Martha Tyler
September 1/1852 James Tyler
Sept. 6/1852 Jno M. Gw. Cuy
Sept. 3/1852 by delivering each
a copy, Jno W. Rockelle & John
Tyler & J. G. Gw. residents of my
County. J. M. Gw. shff.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *John W Rochelle James H Rochelle*
John M Gurley Wm B. Shands John Tyler Jr. James Tyler
Lititia Tyler & Martha Tyler

to appear at the Clerk's Office of our Circuit ~~Superior~~ Court of ~~Law and Chancery~~ for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in *September*
next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Martha B Tyler who sues by Samuel B Himes her next friend

~~And unless~~ shall answer the said Bill within four months thereafter, the Court will take
~~the same for confessed, and decree accordingly. And this~~ shall in no wise omit, under
~~the penalty of \$100.~~ And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *17th* day of *August* 18*52*, in the
77th year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Tyler by V
to { Spⁿ. Chy

Rockell V
1853 February Rules

Came to hand too
late to execute.

John Prentiss
Deputy for
James H. Kellogg

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting!

We command you that you summon *Wm B. Shands Martha Rochelle,
James Leticia & Martha Tyler, John M Gurley, John W
Rochelle, James H Rochelle and John Tyler Jr*

to appear at the Clerk's Office of our Circuit ~~Superior Court of Law and Chancery~~ for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in *February*
next, to answer ^{an amended} ~~a~~ Bill in Chancery exhibited against *them* in the said Court by

Martha B. Tyler who sues by Samuel B. Hines her next friend

~~And unless~~ shall answer the said Bill within ~~four months~~ thereafter, the Court will take
the same for confessed, and decree accordingly. ~~And this~~ shall in no wise omit, under
the penalty of ~~\$100~~. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *25* day of *January* 185*3*, in the
77 year of the Commonwealth.

LR Edwards

[One Copy to be delivered each Defendant.]

Taylor

For the District Office of Southern District Court, September 4, 1852
The undersigned, after consultation with the undersigned, has the honor to acknowledge the receipt of your letter of the 27th inst.

Wm. R. Taylor

Wm. R. Taylor

Rockwell &

John W. Rockwell & Son

John W. Rockwell & Son, 13 Thomas Street, New York, have the honor to acknowledge the receipt of your letter of the 27th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. The undersigned is not a resident of the State of Virginia.

w/pt

In the Clerk's Office of Southampton Circuit Court. September 6th 1852
Matthew B Tyler who sues by Samuel B. Harris his next friend Plaintiff

v.
John W. Rochelle & others.

In Stry.

This day Samuel B. Harris made oath before me as Clerk of the Court aforesaid that John W. Rochelle & John Tyler for who are parties defendants in the suit aforesaid are not residents of the State of Virginia.

J. R. Edwards Ck

VIRGINIA—IN CHANCERY.—At Rules held in the Clerk's Office of the Circuit Court of Southampton county, on the 6th day of September, 1852:

Martha B. Tyler, who sues by Sam'l B. Hines, her next friend,
Plaintiff,
against

John W. Rochelle, James H. Rochelle, John M. Gurley, Wm. B. Shands, John Tyler, Jr., and James Tyler, Litia Tyler and Martha Tyler, infants, by Samuel Kells, their guardian ad litem,
Defendants.

The object of this suit is to obtain a decree for the sale of a tract of land called the Hermitage, belonging to the estate of James Rochelle, dec'd, and the share of the plaintiff to be applied to her support, and the residue of the purchase money to be divided between James H. Rochelle and John M. Gurley; or for the purchase money to be invested in some good securities, &c. And it appearing by affidavit that the defendants, John W. Rochelle and John Tyler, Jr., are not residents of this State: on the motion of the plaintiff, it is ordered that they do appear here within one month after due publication of this order, and do what is necessary to protect their interests; and that this order be published once a week for four successive weeks in some newspaper published in the city of Petersburg, and posted at the front door of the Courthouse of this county on the first day of the next County Court of said county. A copy—Teste,
se. 13 w4w I. R. EDWARDS, Clk.

Printers fee \$2.50

CITY OF PETERSBURG, To WIT:

Personally appeared before me, ~~Mayor~~ *John G. Hanwood* of said city, Clerk of the Intelligencer Office, and made oath that the annexed Order of Publication has been published weekly for ~~four~~ *four* weeks successively. Given under my hand, this *4th* day of *Nov^r* 1852,

Jn^c Dandson, Mayor.

James Rochelle's
Will.

Copy.

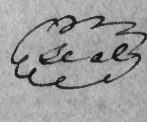
(A)

I, James Rochelle of the County of Southampton and State of Virginia, do make this writing as and for my last will and testament as follows, to wit:

1. It is my will and desire that the tract of land I purchased of William J. Scott, called Bucks containing 519 acres, the tract of land I purchased of the estate of John Thomas dec^d containing about 337 acres both lying near the Town of Jerusalem, a small tract of land containing about 80 acres lying on the South side of Roanoke river at or near the Chick Neck bridges and also a tract of land which I own lying in the County of Nansemond containing 192 acres, be sold by my executrix on such terms and at such time time as she may think advisable and that she execute legal deeds of conveyance for the same and apply the proceeds of such sales to the payment of my debts.
2. After the payment of my debts I lend unto my wife all the rest and residue of my estate of what nature and kind soever during her life or widow-hood for the maintenance of herself and children requesting her to give them the best education my estate will afford.
3. And whereas my son John and daughter Martha derived title to some slaves by the death of their half brother which are in my possession and has not been allotted to them, should they claim them independent of my estate, It is then my will and desire that so much more of my estate be allotted to my son James as will make his estate equal to theirs: Revoking all other wills, I appoint my wife Executrix of this my last will. Given under my hand and seal This 17th day of August 1835.

Test,

William A. Spark
Clemente Rochelle
Wainey ^{her} J. Doyal
mark

James Rochelle 

At a Court held for the County of Southampton the 21st day of September 1837
The last Will and Testament of James Rochelle dec^d was this day proved

by the oaths of William A. Spark, Clemente Rockell and Winney Doyle
the witnesses thence and ordered to be recorded. And on the motion
of Martha Rockell the executing their names who made oath and
together with George Blow, William A. Spark and Samuel B.
Hines her securities entered into and acknowledged a bond in the
penalty of fifty thousand dollars, conditioned as the law
directs, certificate is granted her for obtaining a probat
of said will in due form.

Teste, A. R. Edwards, C. C.
Attest, Teste, A. R. Edwards, C. C.

Rochelle

E. J. Dec.

Gurley

Albany.

(C)

This Indenture, made and entered into, between John W. Rochelle of the first part, and John M. Gurley of the second part, all of the County of Southampton. Whereas James Rochelle deceased, did by his last will and testament duly made and of record in the Clerk's office of County Court of Southampton bequeath and devise all his estate both personal and real unto his wife during her life or widowhood, and that at her death or marriage the said estate should be divided in the manner therein directed among his three children John W. James St. and Martha Rochelle, now Tyler, all of which can be fully ascertained by reference to the said will.

Now therefore this Indenture witnesses that for and in consideration of the sum of fifteen hundred dollars to the said John W. Rochelle in hand paid by the said John M. Gurley at and before the sealing of these presents, the receipt whereof is hereby acknowledged, he the said John W. Rochelle has given, granted, bargained and sold, and by these presents does give, grant, bargain and sell unto the said John M. Gurley all the interest and estate which he has or may have in possession, reversion, expectation or remainder in the estate of his father James Rochelle deceased both personal and real estate, now in the possession of Martha B. Rochelle wife of James Rochelle deceased, which interest and estate can be more fully ascertained by reference to the said will: To Have and to Hold the said estate and interest in remainder or reversion unto him the said John M. Gurley and his heirs forever. And the said John W. Rochelle for himself and his heirs does hereby covenant with the said John M. Gurley and his heirs that his title to the said estate in remainder or reversion in the said James Rochelle estate, unto him the said John M. Gurley, he will forever warrant and defend against all and any person whatsoever. In witness whereof he has hereto set his hand and affixed his seal

seal, this 17th day of October in the year of our
Lord 1849.

Teste.

Jno. W. Rochelle Seal

Southampton County. In the Clerk's Office the 17th day of October 1849
This deed of bargain and sale from Jno W. Rochelle to Jno
M. Guiley, was acknowledged by said Rochelle, and
admitted to Record.

Teste. A. R. Edwards, C. C.

Attest

Teste. A. R. Edwards C. C.

Tyler

to } Deed

Tyler's trusted

T.

This Indenture made and entered into this the
19th day of August in the year 1846 by and between John
Tyler Jr of the first part: John W Rochelle of the second
part and Martha F. B. Tyler wife of the said John Tyler
Jr and her three children now living to wit: James R. Tyler
Elizabeth C. Tyler and Mattie Tyler of the third part: all
of the County of Southampton, Whereas the said John Tyler
under the Will of James Rochelle decd is entitled in right
of his wife the said Martha to a certain interest in remainder
in the estate of the said James Rochelle decd consisting of
Real and personal property to be reduced into possession at
the death of Martha F. B. Rochelle widow of the said
James Rochelle: and Whereas the said John Tyler Jr
is entitled in right of his wife the said Martha to a
certain other interest in remainder in the estate of
the said Martha's half brother Henry M. Gray decd
to be reduced into possession at the death of the said
Martha F. B. Rochelle: and Whereas the said John
Tyler Jr is desirous to settle upon and convey unto his said
three children above named for their support maintenance
and use the said above named interests in the estate of
the said James Rochelle decd: and estate of the said Henry
M. Gray decd: Now Therefore this Indentured Witness
eth That for and in consideration of the premises as
well as for the further consideration of one dollar in
hand paid by the said John W Rochelle the Receipt
whereof is hereby acknowledged by the said John Tyler
Jr done by these presents give grant sell and convey unto
the said John W Rochelle all his the said Tyler right
title and interest in and to the said above named property
both Real and personal in the estate of the said James
Rochelle decd and the estate of the said Henry M. Gray
decd: Upon Trust nevertheless and upon no other condi-
tion whatever that he the said John W Rochelle shall
take possession of the said above named property at the
termination of the said life estate therein and apply the

the same to the use support and maintenance of her said
three children above named to the said John D. Rochelle
not being herein restricted as to the manner of applying
the same provided he appropriate the same in all cases
to the use support and maintenance of the said children
above named: and also upon this further Trust and it is
hereby agreed and covenanted on the part of the said
Martha G. B. Tyler evidenced by her signature to this
present in consideration of the premises: that from
and after the execution of this deed: the said
John Tyler Jr shall be in no manner liable or responsi-
ble for any debt created or contract entered into by the
said Martha G. B. Tyler or for any act or acts of hers
whatever. In Testimony whereof the parties to this
present have hereunto set their hands and affixed
their seals the day and year first before written

John Tyler Jr (seal)
John D. Rochelle (seal)
Martha G. B. Tyler (seal)

Southern County in the Clerk's Office
the 19th day of August 1846: This Deed
of Trust from John Tyler Jr to John D. Rochelle
trustee for the benefit of Martha G. B. Tyler and
children was acknowledged by said John Tyler and
of the parties thereto and admitted to Record

Wm L. R. Edwards, C. C.
A Copy Wm L. R. Edwards, C. C.

Fyler by H^d
" } Bond

Rockwell &

Know all men by these presents that we William B Shands and John M Givley
----- are held and firmly bound unto the Commonwealth of
Virginia in the sum of twenty five hundred dollars. to the payment whereof we bind ourselves,
our heirs, Executors and administrators jointly and severally firmly by these presents. Sealed with our
Seals and dated this 15th day of June 1854

The Condition of the above obligation is such that whereas by a decree of the Circuit
Court of Southampton County made on the 3^d day of May 1854 in the suit of Tyler by N^o
against Rockelle Gothers the above bound William B Shands was appointed to collect certain
bonds returned by him to the said Court and pay over the amounts as directed by the said
decree. Now if the said William B Shands shall faithfully discharge the duties of his
Trust then the above obligation to be void, otherwise to remain in full force and virtue.

Wm B Shands

John M. Givley

(Seal)

(Seal)

Chas. Webb

Tyler
res & Common notice
Rockville &

August 15th 1853.

executed on Sam^l. B. Hines
Martha Rockwell & Samuel
Kells.

Solm Pettus Deft. of
Samuel Kells off.

executed on Wm B. Shanks &
Jno M. Hurley.

Solm W. Rockwell is dead.

Samuel H. Rockwell & Jno Tyler Jr.
are not residents of my County
Samuel Kells off.

Wm B. Shanks

Commissioner's office.

Jerusalem Va. June 24th 1859.

To Martha B. Tyler who sues by Saml. B. Hines, John
W. Rochelle, James B. Rochelle, John M. Gurley, William
B. Shandor, John Tyler Jr. and ^{Saml. Still} ~~L. H. Edwards~~ Guardian
ad litem to James, Letitia and Martha Tyler, and
Martha Rochelle -

You are hereby notified that I have fixed upon
Monday the 15th day of August next, at my office
in the Town of Jerusalem, to take and settle the account
required to be taken by a decree of the Circuit Court
of Southampton County rendered at May Term 1858,
in a suit in chancery then pending, in which
you are parties, plaintiffs and defendants: at
which time and place you are required to attend.
Given under my hand, as Commissioner in
chancery, the day and year first aforesaid.

Wm. W. Cobb Comm.

I certify that the annexed notice has been inserted
weekly four weeks successively in the Southern
Argus, a newspaper published in the city of
Norfolk Va, commencing the 4th day of July
and ending the 25th day of July 1853.

Darius G. Hill Clerk of Saml. J. Sawyer
Publisher of the Southern Argus

Sworn to before me this 31st day of August 1853.

Edwin P. Hatcher

Not. Public.

COMMISSIONER'S OFFICE, }
JERUSALEM, Va., June 24th, 1853. }

To John Tyler, Jr.

YOU ARE HEREBY NOTIFIED that I
have fixed upon MONDAY, the 15th day
of August next, to take and settle at my office,
in the town of Jerusalem, the account required
to be taken by the decree of Southampton Cir-
cuit Court, rendered at the May term of said
Court, 1853, in a suit in chancery depending in
said Court between Martha B. Tyler who sues
by Samuel B. Hines, plaintiffs, vs. John M.
Rochelle, James H. Rochelle, John W. Gus-
ley, William B. Shands, John Tyler, Jr.,
James, Letitia and Martha Tyler, infants, by
Samuel Kello, their guardian ad litem, defen-
dants, at which time and place you are requir-
ed to attend.

Given under my hand as Commissioner in
Chancery of the said Court the day and year
first aforesaid.

Wm W COBB,
jy 4-n4w

WM W COBB,
Commissioner.

12
Tyler by JP
to } Sp. chy

Rochelle JP

1853 March Rules

Executed on John
Mc Gurley
6 Spans Depts of
S Kello Shff

Executed
on Wm. B. Shands

and Martha Rochelle - Ino 10 Rochelle dead

John Putnam Deputy
Saml Kello Shff -

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Wm B. Shanks. Martha Rochelle. James, Leticia & Martha Tyler. John M Gurley. John W Rochelle. James B Rochelle and John Tyler* *jo*

to appear at the Clerk's Office of our Circuit ~~Superior~~ Court of ~~Law and Chancery~~ for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* next, to answer ^{*an amended*} Bill in Chancery exhibited against *them* in the said Court by

Martha B Tyler who sues by Samuel B. Hui's her next friend

~~And unless~~ ~~shall answer the said Bill within four months thereafter, the Court will take~~
~~the same for confessed, and decree accordingly. And this~~ ~~shall in no wise omit, under~~
~~the penalty of \$100.~~ And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *7th* day of *February* 185*3*, in the
77th year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

Tyler by H^c
" } Deposition

Rockelle

Can't find it
Handed in by H. B. Moore J.P.
Apr 27 1853

Deposition of J^r S. Barham taken in the presence of
Samuel B. Hines next friend of Martha Tyler and of
Samuel Wells guardian ad litem for the infant defendants
James, Leticia and Martha Tyler to be made as witnesses
in a certain suit now pending in the circuit court of
Southampton between Martha Tyler by Sam^l B. Hines her
next friend vs. Richard & als. The deponent having been
first duly sworn on the holy evangelist of Almighty
god deposes and says as follows

I am well acquainted with the condition of the
lands & state of James Richard and I am decidedly of the
opinion that it would be to the interest of all parties concerned
to sell the tract of land called the Hermitage it is greatly
depreciating in value ^{now} such is its condition at this time that
though a large farm ^{now} it was put up at public auction
to the highest bidder. The only bid was that was made
was an offer to take it and put it under a good fence and
repair on the sills of the house and it was knocked
down at this price. The land will now bring more than
if kept for several years in my opinion. The interest
on the money for which this land will now sell
will certainly be more than it will rent for and in
my opinion the estate and all parties concerned will
be benefited by a sale

J^r S. Barham

Taken subscribed and sworn to before me a justice of
the peace for the county of Southampton at Lunenburg
in the manner stated in the caption on the 27th day
of April 1853 given under my hand and seal
William Bowers J. P. (seal)

Receipts from Jas
Mr. Gentry. Jas B. Keshler
and Martha F. Tyler

June 15th 1854 Received of William B. Shames
Commissioner appointed for that purpose the sum
of five hundred and fifty seven dollars and twelve
cents in full for my portion of the purchase
money for the Oberridge tract of land sold
under decree of the circuit court of Southampton

Jno M. Gentry

June 15th 1854 Received from William B. Shames
Commissioner appointed for that purpose the
sum of eleven hundred and fourteen dollars
and twenty four cents in bonds in full for
the amounts due to Martha F. Tyler and
James O. Rochelle meaning for each the sum
of five hundred and fifty seven dollars and
twelve cents. The said sums of money are
received as the purchase money for the sale
of Oberridge tract of land sold under a
decree of the circuit court of Southampton

L. R. Edwards as

Att in fact for Jas O Rochelle &
as receiver appointed by the Court
for M. F. B. Tyler

Costs accrued since last report in June 1853

Commissioner for
Shuff
Clark

14.50
2.50
2.02

19.02

retained and paid on the parties
entitled

Martha F. B. Tyler by W.

1853

To the Clerk Southampton Circuit Ct

Dr.

Nov.

Continued in Rochelle Ct

36

52

May

Entering decree W. taking bond W.

166
2.02

J. R. Edwards Clerk

Rec. of Wm. D. Shands Comr.

J. R. Edwards

Taylor
us } Common Nephrolepis
Prochilus

1853 Oct 20 9.

²
Tyler by &

vs

Rockelle & others.

Commissions Office, Sept. 24th 1853.

In obedience to a decree of the Circuit Court of Southampton County, rendered at May term 1853, in a suit in chancery depending in said Court between Martha B. Tyler who sues by Samuel B. Hines her next friend, plaintiff, and John M. Rockelle and others defendants, the undersigned one of the Commissioners of said Court, begs leave to submit the following report. On the 24th day of June 1853, he issued notice to the several parties aforesaid to appear at his office, in the town of Jerusalem, on Monday the 15th day of August last, to attend the settlement of the account required by said decree, which were returned to your Commissioner duly executed. Your Commissioner was first directed to ascertain whether James, Letitia and Martha Tyler children of John Tyler Jr., were interested in the trust of land called The Hermitage by reason of the deed of trust executed by their father John Tyler Jr. to John M. Rockelle as trustee for their benefit, bearing date the 19th day of August 1846. Your Commissioner reports that James Rockelle in his last will and testament gave to his wife, Martha Rockelle, all of his estate, real and personal, during her life or widowhood, for the maintenance of herself and children; and no disposition being made in said will of the remainder in said property, it of course descended to his heirs. John Tyler Jr. intermarried with the plaintiff, one of the heirs, and on the 19th day of August 1846, Martha Rockelle who was seized of the freehold in said real property by virtue of the last will of her husband, being then living/consented

all of his interest in the remainder in the estate
of the said James Rochelle dec'd., to which he was
entitled in right of his wife, to John W. Rochelle as
trustee for the benefit of his children aforesaid.
Your Commissioner is of opinion that the said John
Tyler Jr. had no interest in the remainder of the real
estate to which his wife was entitled, as he could
not be tenant by the entirety of a reversion dependent
on a freehold, and consequently that the said deed
conveyed no interest in the real estate of his wife
to his children aforesaid. Your Commissioner therefore
reports that James, Sethia and Martha Tyler have
no interest in the tract of land called the Hermitage
by reason of the deed of trust executed by their
father John Tyler Jr. to John W. Rochelle as trustee
for their benefit bearing date the 19th day of
August 1846 -

Respectfully Submitted,
Wm. W. Cobb Commr.

Comms fee \$12.00
Order of pub. 2.50
\$14.50
Charged to the Plaintiff.

Tyler
" } Co. D. 100.

Rockelle

✓

Southampton Circuit Court May the 3rd 1853.

Martha B Tyler who sues by Samuel B Kello her next friend

Plff

against

In Chancery.

John W Rochelle, James M Rochelle, John M Gurley, William B Shands
John Tyler Jr, James Sittin and Martha Tyler infants by Samuel Kello
their guardian ad litem and Martha B Rochelle

Defts.

It appearing by satisfactory evidence to the Court that John Tyler Jr is not habit-
ant of this State and against whom the plaintiff seems to have proceeded in the mode
prescribed by law and he still failing to appear and answer the plaintiffs bill and
amended bill are taken for confessed as to this defendant - and the amended bill
of the plaintiff having been taken for confessed at the Rules against the defendants
William B Shands, Martha Rochelle, John M Gurley, John W Rochelle and James M
Rochelle and the cause coming on to be heard on the plaintiffs original bill and the
exhibits filed therewith, the answers of the Defendants John M Gurley and James
M Rochelle thereto, the amended bill and the answer of the infant defendants, James
Sittin and Martha Tyler by Samuel Kello their guardian ad litem thereto and
deposition filed and was argued by counsel: On consideration whereof the Court doth
adjudge, order and decree that William B Shands who is appointed Special Commis-
sioner for that purpose, shall after having given one months notice by public advertise-
ment in some newspaper in the City of Norfolk and notice posted up at the door of
the Courthouse of Southampton County proceed to sell at public auction to the highest bidder
on the premises the tract of land called the Hermitage belonging to the estate of James
Rochelle dec^d on the following Terms to wit. Sufficient of the purchase money in cash to
pay the expenses of this suit and the sale, the balance of the purchase money on a credit
of One, two and three years equal instalments - And the Commissioner is hereby directed
to take three bonds payable to himself for each instalment, each for one third part thereof
with sufficient security. The bond for the first instalment payable twelve months after date,
for the second payable two years after date and for the third payable three years after
date - and all of said bonds bearing interest from the day of Sale - and the title to the
said tract of land known as the Hermitage is reserved until all the purchase money
shall have been paid. And the said Commissioner is enjoined from selling the said land
unless the sum of Eighteen hundred dollars shall be offered for the same - And he
is directed to report his proceedings to Court in order to a further decree. That a com-
missioner of this Court ascertain whether or not the children of John Tyler Jr to wit James

Leticia and Martha are interested in the tract of land called the Hermitage by
 reason of the deed of trust executed by their father John Taylor Jr to John W. Rockwell
 as trustee for their benefit bearing date the 19th day of August in the year 1846 and if
 they are what is the value of that interest and report the same to the Court with any matters
 specially stated deemed pertinent by himself or so required to be stated by the Court.
 Costs of Suit to this time to wit:

Colles	12.62
Shff.	4.50
Law fee W.	15.75
Ord. Pub.	5.00
	<u>37.87</u>

copy

Teste

J. R. Edwards cly

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Tyler
to 3 *Commisarius* report
Rochester etc

1853 Sept. 20th

Commissioner's Report

William B. Shands the commissioner specially appointed by the annexed decree begs leave to report that after having given notice in the time and manner directed by the decree he did on ~~Thurs~~ 23^d of June 1853 proceed to sell at public auction to the highest bidder on the premises the tract of land called the Hermitage belonging to the estate of James Rochelle according to the terms directed by the decree and that John M. Gundry became the purchaser at the sum of eighteen hundred dollars and that after paying the commissioner sufficient cash to defray the expenses of the suit and sale up to that time to wit

Costs of suit \$37.87 commissioner \$45.00 lawyer's fee \$14.25 costs of advertising in Norfolk paper and auctioneer \$12.50 amounting in all to the sum of \$109.62 etc. the said John M. Gundry issued to the commissioner nine bonds with good security each in the sum of \$187.82 etc. for the release of the purchase money. That according to the directions of the decree there were taken payable in June 1854, three in June 1855 and three payable in June 1856, and the said bonds are herewith returned to the court for further order respecting the same, all of which is respectfully submitted by

William B. Shands special Commr.

1854 June 15th Received of the clerk of the ^{court} ~~heretofore~~ of Southampton County the bonds returned with the above report to collect as comv. under decree of Court May Term 1854.

Wm B. Shands Commr.

VIRGINIA—IN CHANCERY.—At Rules held in the Clerk's Office of the Circuit Court of Southampton county, on the 7th day of February, 1853:

Martha B. Tyler, who sues by Samuel B. Hines, her next friend,
Plff.,

Against
John W. Rochelle, James H. Rochelle, John M. Gurley, and others,
Defis.

The object of this suit is to obtain a decree for the sale of a tract of land called the "Hermitage," belonging to the estate of James Rochelle, dead, and the share of the plaintiff to be applied to her support, and the residue of the purchase money to be divided between James H. Rochelle and John M. Gurley, or for the purchase money to be invested in some good securities, &c. And it appearing by affidavit that the defendant, John Tyler, Jr., is not a resident of this State: On motion of the plaintiff, it is ordered that the said defendant do appear here within one month after due publication of this order, and do what is necessary to protect his interest; and that a copy of this order be published once a week for four successive weeks in some newspaper published in the city of Petersburg, and posted at the front door of the Court-house of this county on the first day of the next county court of the said county.

A copy—Teste,

fe 17—w4w

L. R. EDWARDS, C. C.

CITY OF PETERSBURG, To Wit:

Personally appeared before me, an Alderman of said city, *John D. Hawwood*, Clerk of the Intelligencer Office, and made oath that the annexed Order of Publication has been published weekly for ~~four~~ weeks successively. Given under my hand, this *15th* day of *March* 1853.

W. E. Hutton ald:

Printed for \$2.50

Tyler

to } Dr. Dub.

Rockville Vp

At Rules held in the Clerks Office of the Circuit Court of Southampton County
on the 7th day of February 1853.

Martha B Tyler who dies by Sam^l. B. Hines her next friend. Plffs

against

John W Rochelle, James St Rochelle, John M Gurley & others. Defts

} In Chancery

The object of this suit is to obtain a decree for the sale of a tract of land called the
"Hermitage" belonging to the estate of James Rochelle dec^d and the share of the plaintiff
to be applied to her support and the residue of the purchase money to be divided between
James St Rochelle and John M Gurley: or for the purchase money to be invested in
some good securities &c. And it appearing by affidavit that the defendant John
Tyler Jr is not a resident of this State, on the motion of the plaintiff it is ordered
that the said defendant do appear within one month after due publication of this
order and do what is necessary to protect his interest, and that a copy of this order be
published once a week for four successive weeks in some newspaper published in the
City of Petersburg and posted at the front door of the courthouse of this County on
the first day of the next County Court of the said County.

Tyler by us
vs 3
Kochellus als

Commissioner's report

1869 Oct 21

Tyler by us

or 3

Rochelle

The undersigned special commissioners beg leave to report that since the last decree rendered in this cause at May court 1832, John M. Gentry the purchaser of the Heritage tract of land has paid all the purchase money and that the commissioners under the direction of John M. Gentry and L. R. Edwards his trustee and they joining him in the decree executed a deed to Wm. A. Mapantony and James P. Mapantony for the said tract of land all of which is Respectfully submitted by

October 21st 1869

Wm. B. Thomas

Special commissioner

Taylor by 2c
w. } ~~Print:~~ Rules

Rockwell 2c

1853 May.

Costs to this Time

Colk. - \$ 12.62

Shff - 4.50

Law fee & 15.75

Order pub. 5.00

\$ 37.87

Future Costs

Print
Colk. \$ 2.02

Shff 2.50

Comm Colk & Printer 14.50

Costs to May 1854. . . \$ 19.02

Martha B Tyler who sues by Saml. B. Hines her next friend
against

John W. Rochelle, James M. Rochelle, John M. Gurley, Wm. B. Shands, John Tyler Jr.
& James Litchin & Martha Tyler Dfts.

1852 Aug. 17. Summons issued retble to September Rules.

Sept. Rules. Sum. ret. Granted on Wm. B. Shands. Jas. M. Rochelle. Litchin, Jas.
& Martha Tyler & John M. Gurley. - John W. Rochelle & John Tyler Jr. non residents
Bill filed. Saml. Hines appears gen. additum to Jas. Litchin & Martha Tyler
Devere nisi to Dfts. Jas. M. Rochelle, John M. Gurley, Wm. B. Shands. - Order prob.
to Dfts. John W. Rochelle & John Tyler Jr.

October R. Answer of James M. Rochelle & infants filed Gen. Rep. to ans. infants
Bill taken for confessed as to Dfts. Jas. M. Gurley & Wm. B. Shands.

Nov. R. Cause set for hearing as to Dfts. Jas. M. Rochelle, Jas. M. Gurley, Wm. B.
Shands & Jas. Litchin & Martha Tyler.

1853 Jan. R. amended bill filed Sum. awarded.

Feby. Sum. ret. "Came to hand to execute." New Sum. awarded to Dfts. W. B.
Shands, Martha Rochelle, James Litchin & Martha Tyler, J. M. Gurley,
John W. Rochelle, James M. Rochelle. Or. Prob. to Dft. John Tyler Jr.

Mar. Sum. ret. Ex on Shands, Gurley & M. B. Rochelle. J. W. Rochelle dead.
Devere nisi to Shands, Gurley & M. B. Rochelle.

Apr. (1st Monday). Ans. infants. Gen. Rep. Bill taken for confessed as to Dfts.
Shands, Gurley & M. B. Rochelle.

" " (Last Monday) Ans. of infants Gen. Rep. Cause set for hearing as to Dfts.
Shands, Gurley, M. B. Rochelle & infants.

" May 1. Devere for sale &c.

1854 May 1. Devere buying ref.

1869 Nov. Devere final

William R Edwards has fully accounted for and paid to me the full amount of the three bonds received by him under a decree of the Circuit Court of Southampton County rendered on the third day of May 1854 in the suit of Tyler who sues by P. against Rochelle P. - the said three bonds being my proportion of the sales of the tract of land called the "Hermitage".

Given under my hand this day of January 1861.

W Rochelle Tyler
" " "

1
Taylor by W^d

to } Co. Ordery

Rockville W^d

Southampton Circuit Court November the 11th 1852.
Martha F B Tyler who sues by Samuel B Holmes her next friend Samuel B
Holmes

against
Martha B Rockelle in her own right & as Executrix of James Rockelle dec^d
& others

This day this cause came on to be further heard on the papers formerly
read and the report of receiver Shands filed since the last term, to
which there is no exception and was argued by counsel. On consideration
whereof the Court being of opinion that the several deeds of conveyance of
land from Martha B Rockelle to S R Edwards and John M Gurley, so
far as the same were intended to pass any right, title or interest of Martha
B Rockelle and bill of sale from Martha B Rockelle to John M Gurley em-
bracing the slaves Jazwell, Charles Cobb and Nancy and and the deed
of trust from the said Martha B Rockelle to William B Shands except as to
the slaves Tom, Gray, and Comfort are illegal, and (without determining
the relative rights of the plaintiff and her children under the agreement marked F,
exhibited with the bill, to the remainder in the estate of James Rockelle after
the expiration of the life term of Martha B Rockelle) being of opinion that
it is proper to set apart for the plaintiffs separate maintenance, free from the
marital rights of her husband, all her interests in the property in the hands of
receiver Shands which may remain undisposed of, and being further of opinion
that since the executorial transactions of Martha B Rockelle under the will of
her husband James Rockelle are closed and she has abused the trust for which
she holds the property, it is proper the same should be withdrawn from
her hands and transferred to another trustee, doth decree and it is hereby
adjudged, ordered and decreed with the consent of Martha B Rockelle by her
counsel, that the several deeds of conveyance of land from Martha B Rockelle to
S R Edwards and John M Gurley so far as the same import a conveyance from
herself and the bill of sale of the slaves Charles Cobb and Nancy and Jazwell
from Martha B Rockelle to John M Gurley and the deed of trust from the
said Martha B Rockelle to William B Shands (except as to the slaves
Tom, Gray, and Comfort be vacated and annulled, that the injunction awarded
to restrain the defendant Edwards from proceeding to sell the property levied

on under the execution sued out by him be made perpetual and that he be enjoined from levying any other execution sued out upon the same judgment upon the said property. And the Court doth confirm the report of receiver Shands, and doth decree that defendant Bentley surrender to him (who is hereby appointed trustee instead of Martha B Rochelle) the two pieces of land reported by receiver Shands to be still held by him and two acre lot in Jerusalem in the proceedings referred to and that the said Shands receive the same and hold it together with the other property remaining in his hands and apply the proceeds thereof for the maintenance of the plaintiff and John W Rochelle and James B Rochelle. And the Court doth enjoin the defendant John Tyler from interfering with the said property or its proceeds or disposing thereof, as well for the interest of the plaintiff during the lifetime of Martha B Rochelle as for the interest which may still be undisposed of in the remainder, and doth decree the same to her for her maintenance separate and apart from her husband the said John Tyler. And the Court doth order that the defendants Milton R Edwards and John M Gurley each pay one fourth part of the costs of this suit and that the defendants Sarah Armstrong, Hamming T Smith & Richard St. Croix each one third of the residue of the said costs.

Attest

Teste. J. R. Edwards

Tyler
a } Co. Durw.

Rockelle &

Rockelle 8th

In Southampton County Court, May Term, 1853.
Martha B. Tyler who sues by Samuel B. Hines Off
against

John M. Rockell, James N. Rockell, John W. Gurley
William B. Shanks, John Tyler Jr, James, Letitia,
& Martha Tyler infants by Samuel Kello
their guardian ad litem, and Martha Rockell, defts.

It appearing by satisfactory evidence to
the Court that John Tyler Jr is no inhabitant of
this State. And against whom the plaintiff seems to
have proceeded in the mode prescribed by law. And he
still failing to appear and answer the plaintiffs bill
and amended bill are taken for confessed as to this
defendant and the amended bill of the plaintiff having
been for confessed at the rules against the defendants
William B. Shanks, Martha Rockell, John W. Gurley,
John M. Rockell and James N. Rockell and the
cause coming on to be heard on the plaintiffs
original bill, and the exhibits filed therewith, the
answers of the defendants John W. Gurley & James
N. Rockell thereto, the amended bill and the
answers of the infant defendants, James, Letitia
and Martha Tyler, by Samuel Kello their guardian
ad litem thereto, and depositions filed, was
argued by Counsel. On consideration whereof,
the Court doth adjudge, order and decree that
William B. Shanks who is appointed Special
Commissioner for that purpose shall
after having given one months notice
by public advertisement in some Newspaper
in the City of Norfolk, and notice posted
up at the door of the Courthouse of
Southampton proceed to sell at public auction
to the highest bidder on the premises the tract of
land called the Hermitage belonging to the

estate of James Rockelle dec'd. on the following terms, to wit:
Sufficient of the purchase money in cash to the expenses of
this suit (and the sale, the balance of the purchase
money on a credit of one, two (and three years equal
instalments. And the Commissioner is hereby directed
to take three bonds payable to himself for each
instalment, each for one third part thereof with
sufficient security. The bond for the first instal-
ment payable twelve months after date, for the
second payable two years after date, (and for the
third payable three years after date, (and all
of said bonds bearing interest from the day of
sale, (and the title to the (said tract of land
known as the Hermitage is reserved until all the
purchase money shall have been paid. (And the
said Commissioner enjoined from selling the (said
land unless the sum of eighteen hundred dollars
shall be offered for the same. (and he is directed
to report his proceedings to Court in order
to a further decree. That the Commissioner of this
Court ascertain whether or not the children
of John Tyler Jr. to wit: James, Letitia (and Martha
interested in the tract of land called the Her-
mitage by reason of the deed of trust executed
by their father John Tyler Jr. to John W. Rockelle
as trustee for their benefit bearing date the 19th
day of August 1846, (and if they are, what is
the value of that interest (and report the same
to the Court together with any matters specially
stated deemed pertinent by himself or so required
to be stated by others

Attest,

testr.

Henry S. Stewart, S.C.

Costs to this time
Clerks 12.62
Shiff: 4.50
Law fee & 15.75
Ord. paid 5.00
\$ 37.87

Tyler by me

as 3 classes

Rockwell was

Enter this decree

R. H. Baker

May Co. 53

Tyler by re
as 3 Deene
Rochelle

It appearing by satisfactory evidence to
the court that John Tyler jr is an inhabitant of this state
and against whom the Plaintiff seems to have proceeded in
the mode prescribed by law and he still failing to appear
and answer the Plaintiffs bill and amended bill is taken
for confessed as to this defendant and the amended bill
of the Plaintiffs having been taken ~~as confessed~~ for confessed
as the rules against the defendants ~~the defendants~~
William B Shandas, Martha Rochelle, John M Jemly, John
W Rochelle, James B Rochelle and the cause coming
on to be heard on the Plaintiffs original bill and the
exhibits filed therewith the answers of the defendants
John M Jemly and James B Rochelle Thinks the
amended bill and the answer of the infant defendants
James, Letitia and Martha Tyler by Samuel Keller
their guardian ad litem Thinks and deposition
filed and was argued by counsel. On consideration whereof
the court doth adjudge order and decree, That
William B Shandas who is appointed a special
commissioner for that purpose, shall give one
month's notice by public advertisement in some
newspaper in the city of Norfolk and notice posted
at the door of the court house of Southampton
proceed to sell at public auction to the highest bidder
or the persons the tract of land called the
Hermitage belonging to the estate of James Rochelle
decd on the following terms to wit, sufficient of the
purchase ^{money} in cash to pay the expenses of this suit
and the sale, the balance of the purchase money
on a credit of one, two and three years, and the
commissioner is hereby directed to take ^{equal instalments} ~~the~~ bonds
payable to himself ^{for} the bonds

For each instalment call from Third part thereof
~~now payable~~ ^{the bonds for the first instalment} with good and sufficient
security ~~from~~ ^{for the first instalment} payable ~~within~~ ^{within} months after date, ~~then~~ ^{for the second}
payable two years after date and ~~one~~ ^{for the third} payable three
years after date, and all ~~three~~ of said bonds bearing
interest from the day of sale, and the title to the
said tract of land known as the Huntage is reserved
until all the purchase money shall have been paid
and the said commissioner is enjoined from selling the
said land unless the sum of eighteen hundred shall
be offered for the same and he is directed to
report his proceedings to court in order to a further
order and the court doth further adjudge, order,
and decree that a commissioner of this court ascertain
whether or not the children of John Lytle Jr to wit
James, Letitia and Martha are interested in the tract
of land called the Huntage by reason of the
deed of trust executed by them the father John Lytle Jr
to John W. Roebuck as trustee for their benefit bearing
date the 19th day of August in the year 1846 and if they
are what is the value of that interest and report the
same to the court together with any matter specially
stated deemed pertinent by himself or as required to
be stated by others

Tyler by me

on 3 Decr

Rochester

To be Entered

E. P. Fitts

Tyler by us
on 3 Decr
Rockwell & als

This day this cause came
on again to be heard on the papers
formerly made and the report of
special commissioners Amos B. Shuman
to which no exceptions have been filed
~~as~~ it was argued by counsel on the
making whereof the court doth adjudge
order and decree that the said report be
confirmed, and there being nothing further
to be done in this cause the court
doth order the same to be removed
from the docket

Typed by me
as 3 June
Richardson

To be entered
R. H. Baker
May Co. '54.

Tyler by us
vs 3 Deem
Rocheville vs als

This day This cause came on again to be heard on the papers formerly ^{made} and the reports of Wm B Shannas commissioner appointed to sell the land and report of commissioner Cobb to neither of which any exceptions have been taken ^{and the court confirming the said reports} and it appearing to the court that John Tyler is who is a party to this cause has since the commencement of this suit been divorced from the bonds of marriage with Martha F B Tyler his wife and James C Rocheville ^{and Martha F B Tyler} consenting to this decree the court confirming the reports of Wm B Shannas special commissioner and commissioner Cobb doth adjudge order and decree that Wm B Shannas shall collect the bonds which have been returned ~~to~~ returned by him to this court and after paying such costs as may have accrued since the sale of the land ^{and by agreement} pay ^{of} the bonds due respectively in 1854. 1855-1856 to John McGulley, those of the bonds due in like manner to James C Rocheville, and those of the bonds due in like manner to G. R. Edwards who is directed to take and hold the same and pay it over to Martha F. B. Tyler in such a manner as she may desire. But the said Wm B Shannas is not to act under this decree until he has executed a bond in the penalty of twenty five hundred dollars in the clerk's office of this court conditions as the law directs